

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE:

JOE MONGE, and  
ROSANA MONGE,

Debtors.

CASE NO. 08-30881-LMC

CHAPTER 11

**MOTION TO CONDITIONALLY APPROVE DEBTORS' DISCLOSURE STATEMENT  
PURSUANT TO RULE 3017.1, TO SET FINAL HEARING FOR APPROVAL OF  
DISCLOSURE STATEMENT, SET DEADLINE FOR OBJECTIONS TO DISCLOSURE  
STATEMENT, SET DATE FOR CONFIRMATION OF PLAN, SET DEADLINE FOR  
BALLOTS AND DEADLINE FOR FILING OBJECTIONS TO PLAN OF  
REORGANIZATION**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Joe Monge and Rosana Monge, Debtors in the above entitled and numbered case by and through Sidney J. Diamond of Sidney Diamond, P.C, their attorney of record and files this Motion to Conditionally Approve Debtors' Disclosure Statement Pursuant to Rule 3017.1, To Set Final Hearing on Approval of Disclosure Statement, Set Deadline for Objections to Disclosure Statement, Set Date for Confirmation of Plan, Set Deadline for Ballots and Deadline for Filing Objections to Plan of Reorganization and would respectfully show the Court the following:

1. The Debtors filed a Petition For Relief Under Chapter 11 of Title 11, United States Code on May 27, 2009. The Debtors are Debtors-in-Possession pursuant to the terms of Section 1107 of Title 11, United States Code.
2. The Debtors are a "Small Business" pursuant to Section 101(51)C of Title 11, United States Code.
3. Debtors filed their Disclosure Statement and Chapter 11 Plan of Reorganization on April 8, 2010.

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4. Pursuant to Bankruptcy Rule 3017.1 the Debtors respectfully request that the Court conditionally approve their Disclosure Statement and to fix the time periods required to be fixed by Bankruptcy Rule 3017.1(a). That the court set the final hearing for approval of the Disclosure Statement, Set Deadline for Objections to Disclosure Statement, Set Date for Confirmation of Plan, Set Deadline for Ballots and Deadline for Filing Objections to Plan of Reorganization

**WHEREFORE, PREMISES CONSIDERED**, Debtors Pray:

1. That the Court conditionally approve the Debtors' Disclosure Statement;
2. That the Court set the time periods required to be set by Bankruptcy Rule 3017(a);
3. That the Court set the time period for notice of hearing to consider approval of the Disclosure Statement, To Set Final Hearing on Approval of Disclosure Statement, Set Deadline for Objections to Disclosure Statement, Set Date for Confirmation of Plan, Set Deadline for Ballots and Deadline for Filing Objections to Plan of Reorganization; and
3. For such other and relief as the Debtors may show themselves to be justly entitled.

**DATED:** May 7, 2010.

Respectfully submitted,

SIDNEY DIAMOND, P.C.

By: /s/ Sidney J. Diamond  
Sidney J. Diamond  
Attorney For Debtor  
Texas Bar Card No.: 5803000  
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El Paso, Texas 79902  
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**CERTIFICATE OF SERVICE**

I, Sidney J. Diamond, do hereby certify that on May 7, 2010, a true and correct copy of the foregoing Motion to Conditionally Approve Debtors' Disclosure Statement Pursuant to Rule 3017.1, Set the time period for notice of hearing to consider approval of the Disclosure Statement To Set Final Hearing on Approval of Disclosure Statement, Set Deadline for Objections to Disclosure Statement, Set Date for Confirmation of Plan, Set Deadline for Ballots and Deadline for Filing Objections to Plan of Reorganization was served via electronic means as listed on the Court's ECF noticing system or by depositing the same in the United States Mail, properly addressed and postage prepaid, to the following parties:

**DEBTORS:**

Joe and Rosana Monge  
51 Sierra Crest Drive  
El Paso, Texas 79902

**THE UNITED STATES TRUSTEE:**

Kevin Epstein  
PO Box 1539  
San Antonio, TX 78295-1539

**PARTIES IN INTEREST**

**PREVIOUSLY REQUESTING NOTICE:**

City of El Paso  
c/o David G. Aelvoet  
711 Navarro, Suite 300  
San Antonio, TX 78205

Lane C. Reedman  
Attorney for Francisco Jayme & Alicia Rojas  
4171 N. Mesa, Suite B-201  
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Ascension Capital Group  
ONYX Acceptance Corp.  
Capital One Bank  
PO Box 20137  
Arlington, TX 76006

El Paso Area Teachers Federal Credit Union  
c/o Carlos Miranda III, PC  
5915 Silver Springs, Bldg. 3A  
El Paso, TX 79912

/s/ Sidney J. Diamond  
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Sidney J. Diamond